

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**Priscilla Sterling, Raine Becker, Shawn
Miller, and John Bennett, individually and on
behalf of all others similarly situated**

Plaintiffs

v.

Civil No. 3:22-cv-531-KHJ-MTP

**The City of Jackson, Mississippi; Chokwe A.
Lumumba; Tony Yarber; Kishia Powell;
Robert Miller; Jerriot Smash; Siemens
Corporation; Siemens Industry, Inc.; and
Trilogy Engineering Services LLC**

Defendants

**CITY OF JACKSON’S MOTION TO DISMISS THE SECOND AMENDED CLASS
ACTION COMPLAINT FOR INJUNCTIVE RELIEF AND MONEY DAMAGES**

Defendant the City of Jackson (“the City”), through counsel and pursuant to Federal Rule of Civil Procedure 12(b)(6), files this Motion to Dismiss the Second Amended Class Action Complaint for Injunctive Relief and Money Damages with Jury Trial Demand [101].

In support of the requested relief, the City states:

1. The Second Amended Complaint fails to state a cognizable substantive-due-process, bodily integrity claim against the City.
2. Taken as a whole, the allegations in the Second Amended Complaint do not demonstrate the City’s conduct—making public pronouncements in response to an environmental crisis—“shocks the conscience” in a constitutional sense.
3. No historical basis and no binding precedent supports expanding the scope of substantive due process to include liability for statements to the public.
4. The Court previously rejected the remaining allegations of the Second Amended Complaint as insufficient to state a constitutional claim.

5. The Court should decline to exercise supplemental jurisdiction over the remaining state law claims, dismissing those claims without prejudice.

6. Accordingly, and for the reasons more fully set forth in its accompanying Memorandum in Support, the City requests that the Court dismiss the Second Amended Complaint.

RESPECTFULLY SUBMITTED, this the 14th day of March, 2024.

/s/ Clarence Webster, III

CLARENCE WEBSTER, III

Clarence Webster, III (MSB #102111)
Kaytie M. Pickett (MSB #103202)
Adam Stone (MSB #10412)
Abbey Reeves (MSB #105720)
JONES WALKER LLP
3100 North State Street, Suite 300
Jackson, MS 39216
Telephone: (601) 949-4900
Facsimile: (601) 949-4804
cwebster@joneswalker.com
kpickett@joneswalker.com
astone@joneswalker.com
areeves@joneswalker.com
Counsel for the City of Jackson

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2024, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which served a copy of the foregoing on all counsel of record.

/s/ Clarence Webster, III

CLARENCE WEBSTER, III